

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Paul J. Carter and Hongxing Zhou
Serial No.: 10/578,410
Filed: March 5, 2007
For: ANTIBODIES THAT BIND INTERLEUKIN-4 RECEPTOR
Docket No.: 3492-US-PCT
Group Art Unit No.: 1644
Examiner: SKELDING, Zachary S.

PETITION UNDER 37 CFR § 1.182 TO ISSUE A NEW NOTICE OF ALLOWANCE

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully state that they did not receive the Notice of Allowance and Fee(s) Due that, according to the Office's internal records, was mailed on May 1, 2009, in connection with the above-referenced patent application. Therefore, Applicants hereby petition that a new Notice of Allowance be issued.

Applicants first became aware of the Notice of Allowance when the assistant to the undersigned saw it on the above-referenced patent application's private PAIR website shortly before the final date for paying it without taking an extension of time. Subsequent telephone communication with Examiner Skelding and Deborah E. Dotson, Head Legal Instruments Examiner, Technology Center 1600, confirmed that The Office's internal records indicate that the Notice was timely mailed. However, review of Applicants' mail and docketing files showed that they did not contain a record of the Notice having been received.

Applicants respectfully request that a new Notice of Allowance be issued with a new mailing date and period for responding. As a precaution, in the event that this Petition is denied, it is accompanied by the appropriate issue fee.

Pursuant to 37 CFR § 1.182 and 1.17(f), please charge the petition fee (\$400.00) to Deposit Account No. 09-0089. An original and one copy of this paper are enclosed.

Applicants request favorable action on this petition.

Please send all future correspondence to:
22932

Immunex Corporation
Law Department
1201 Amgen Court West
Seattle, Washington 98119-3105
(206) 265-7000

Respectfully submitted,



Adjustment date: 11/16/2009 LDIEP1
08/03/2009 INTFSW, 00005259 090089
Nathan A. Skelding, Attorney for Applicant
Registration No.: 47,763
Phone: (206) 265-8779
Date: July 31, 2009

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CERTIFICATE OF EFS-Web TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office via EFS-Web on the date indicated below:


Jae Cho

July 31, 2009
Date

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: 11/05/09		2 Serial/Patent # 10/578,410			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
	Filing			\$	
	Amendment			\$	
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	Notice of Appeal/Appeal			\$	
X	Petition	PET.OP	07/31/09	\$ 400.00	
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	Cert of Correction/Terminal Disc.			\$	
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10 REASON:					
	Overpayment				
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X	No Fee Due (Explanation):				
PETITION DISMISSED AS MOOT					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME:		April M. Wise		TITLE: Petitions Examiner	
SIGNATURE:		/APRILMWISE/		PHONE: 571-272-1642	
OFFICE:		Office of Petitions			
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APPROVED:		DATE: 11-13-09			

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Refund Branch
Crystal Park One, Room 802B**